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Chair: Mr. Mac-Donald ..... (Suriname)

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The meeting was called to order at 10 a.m.

Agenda item 69: Promotion and protection of human rights (*continued*) (A/67/387-S/2012/717 and A/67/390)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/67/159, A/67/181, A/67/271, A/67/56, A/67/163, A/67/260 and Add.1, A/67/293, A/67/296, A/67/226, A/67/288, A/67/267, A/67/285, A/67/287, A/67/396, A/67/303, A/67/292, A/67/289, A/67/268, A/67/299, A/67/304, A/67/286, A/67/310, A/67/277, A/67/368, A/67/178, A/67/275, A/67/305, A/67/302, A/67/278, A/67/380, A/67/261 and A/67/357)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/67/362, A/67/333, A/67/327, A/67/370, A/67/379, A/67/383 and A/67/369)

1. **Mr. Falk** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), introducing his report (A/67/379), noted that the Government of Israel continued to refuse to cooperate with his efforts, in violation of the fundamental legal obligation incident to membership in the United Nations. Israel had a long track record of non-cooperation with official undertakings of United Nations organs and human rights bodies and he urged decisive action to persuade the Government of Israel to fulfil its obligations. His report focused on Israeli settlements in the West Bank, including East Jerusalem, giving particular attention to the legal responsibility of selected Israeli and international businesses that were profiting from Israeli settlements. Those settlements currently controlled over 40 per cent of the West Bank, where 500,000-600,000 Israelis had already been settled, while around 200,000 had settled in East Jerusalem. The settler population had grown at an average yearly rate of 5.3 per cent, compared with 1.8 per cent in Israel. The scale of financial investment in Israel's settlement enterprise appeared to confirm its intention to retain control over much, if not all, of the West Bank, including East Jerusalem, which would blatantly violate article 2 of the United Nations Charter and undermine Palestine.

2. As the occupying Power, the Government of Israel was duty bound to respect and implement its obligations under international human rights and humanitarian law and to ensure that private businesses operating in Palestine were held accountable for any activities adversely affecting the human rights of the Palestinian people.

3. The report illustrated the obligations of businesses to respect human rights under international humanitarian law and the law of armed conflict, as stipulated in international humanitarian standards, in particular principles 1 and 2 of the United Nations Global Compact — a commitment undertaken by many of the corporate participants highlighted in the report — which drew on the Guiding Principles on Business and Human Rights. It also referred to guidance developed by the International Committee of the Red Cross, which stipulated that if businesses breached, or were complicit in breaches of, international humanitarian law, they or their individual employees might be subject to criminal or civil liability. The businesses highlighted in the report constituted a small number of the many companies that profited from the Israeli settlement enterprise, as documented in abundant information provided by civil society organizations and other actors.

4. Those businesses profiting from the Israeli settlement enterprise should be boycotted until their operations were brought into line with international human rights and humanitarian law and standards. He also encouraged civil society to strengthen efforts to hold such businesses accountable through legal and political initiatives in national and international contexts. A number of them had been offered the opportunity to respond to the information in the report; responses had been received from five companies. He further recommended that an advisory opinion should be sought from the International Court of Justice on the responsibility of businesses in relation to economic activities of settlements established in violation of the Fourth Geneva Convention.

5. **Mr. Haniff** (Malaysia) asked what prospects there were for a two-State solution, given the increasing number of illegal Jewish settlements which literally fragmented Palestine and affected the feasibility of a State of Palestine. He also asked for comment on reports of rising violence committed by settlers against Palestinian farmers and property owners as illegal settlements expanded. Lastly, there had been reports that increasing numbers of Palestinian

children were detained without legal counsel for minor offences and treated as adults.

6. **Ms. Rasheed** (Observer for Palestine) said that the Special Rapporteur should be commended for his tireless efforts to raise awareness on the long list of human rights violations by the Israeli occupier, especially since his work had been rendered more difficult by that country's refusal to cooperate with his mandate. Given Israel's long-standing lack of cooperation with and obstruction of special procedures, she asked what were the consequences of its recent decision to cut all ties with the Office of the High Commissioner for Human Rights and the Human Rights Council and what was being done to address it. She asked what could be done to strengthen civil society so that Member States with companies operating in the Occupied Palestinian Territory could pressure such companies to end their direct or indirect support to the Israeli occupation. In his report, the Special Rapporteur had put forward the idea of a General Assembly resolution on corporate responsibility; as it was widely known that Israel continued to defy and ignore the multitude of resolutions adopted with regard to its illegal practices in Occupied Palestinian Territory, she asked what other options were available within the United Nations to address that issue.

7. **Mr. Storaci** (Observer for the European Union) said that the European Union remained committed to a two-State solution and was convinced that ongoing changes across the Arab world rendered progress on the peace process all the more urgent. An end to the conflict could be made possible by a comprehensive peace agreement based on the relevant Security Council resolutions and previous plans and agreements. He recalled the applicability of international humanitarian law in the Occupied Palestinian Territory, including that relative to the protection of civilians. Settlements, the separation barrier built on occupied land, demolition of homes and evictions were all illegal under international law, impeded peace and jeopardized the two-State solution. He would continue to urge the Government of Israel to end immediately all settlement activities in East Jerusalem and the rest of the West Bank and to dismantle all outposts erected since March 2001. The status of Jerusalem as the future capital of two States must be resolved through negotiations.

8. The European Union remained committed to full implementation of all existing legislation and bilateral arrangements applicable to settlement products; it did not support calls for boycott, divestment and sanctions in relation to the businesses in the report. The Guiding Principles on Business and Human Rights, which was the authoritative policy framework, should be applied globally.

9. **Ms. Syed** (Norway) said that Norway shared the Special Rapporteur's concern for the difficult human rights situation in the Palestinian territory and regretted the lack of cooperation from the Israeli Government. She called on the Government to respect its obligations under international law to guarantee fully the human rights of the Palestinian people.

10. Norway encouraged businesses to respect human rights and supported the call for both States and businesses to implement fully and effectively the Guiding Principles on Business and Human Rights in business operations in Israeli settlements. Norwegian businesses were informed of the status of the European Free Trade Association (EFTA) trade agreement with Israel — which did not apply to goods produced in the occupied territories — and were encouraged to adhere to the United Nations Guiding Principles. For example, on the advice of its Council of Ethics, Norway's Government Pension Fund Global had divested from certain companies with activities in the Palestinian territory. Given the Special Rapporteur's recommendations, she asked what United Nations programmes, agencies and funds would do to raise awareness of and address the challenges presented in the report.

11. **Mr. Faye** (Senegal) asked what emergency measures should be advocated and implemented, pending the resumption of the peace process, to ensure better protection of human rights in the Occupied Palestinian Territory.

12. **Mr. Khalil** (Egypt) said that his country would continue to support the Special Rapporteur's work and to try to facilitate his access to the Palestinian territories. He asked whether the Special Rapporteur could indicate how many of the over 7,000 companies participating in the Global Compact were involved in trade agreements with Israel, particularly for products originating in settlements. He also asked for further elaboration on the trend of incitement to violence against Palestinians in Israel and the Occupied

Palestinian Territories, as well as on the measures and international standards being applied with regard to the administration of justice for Palestinians legally and illegally detained by Israel. Lastly, he asked the Special Rapporteur to describe the impact of the recently adopted Israeli law on civil society, which limited financing to non-governmental organizations (NGOs) and their ability to operate within Israel and the Occupied Palestinian Territories.

13. **Mr. Faizal** (Maldives) called on Israel to cooperate fully with the United Nations so that a balanced and comprehensive analysis of the impact of occupation could be carried out. Maldives believed in the independence and validity of the Special Rapporteur and was gravely concerned by his recent findings of the existence of a dual legal system for prosecuting Palestinians and the rise in administrative detention without charge or trial. The internment of suspects and their treatment, often tantamount to cruel and unusual punishment, blatantly contravened international human rights and humanitarian law. The accounts of extrajudicial executions were particularly shocking and the targeted killings between 2002 and 2008 in the West Bank could be nothing but an atrocity.

14. Maldives was disturbed by the demolition of over 330 Palestinian structures as well as the proposed measure to legalize Israeli settlements. Those policies had been denounced by the international community, by resolutions and by the International Criminal Court; that they continued unabated illustrated Israel's clear neglect of its obligations to the community of nations. Until Palestine and Israel stood side by side as two States, the Middle East peace process would be at a standstill. An independent Palestine must be recognized — only then could it police its people, negotiate its interests and develop its social and economic structures.

15. **Ms. Alsaleh** (Syrian Arab Republic) noted that Special Rapporteur had succeeded in a delicate mission despite politicization, application of double standards and rule of force, as developed countries continued to threaten developing countries. Successive reports had highlighted the major difficulties and obstacles that the Special Rapporteur had faced in executing his mandate as Israel persistently denied him entry. The occupying Power continued to evade its responsibilities, deciding to cut all ties with the Human Rights Council and related bodies, which reflected a serious deterioration of relations and would undermine any solution that might lead to the establishment of a Palestinian State. Israel's persistent expansionist policy and systematic, flagrant violations of the rights of the Palestinian people showed that the United Nations lacked the will and ability to take effective measures to deal with a country that continued to flout international law and was not held accountable. She therefore asked how the recommendations in the report would be implemented.

16. **Mr. Eshraq** (Islamic Republic of Iran), noting that Israel's occupation of Palestine was at the root of the atrocities and systematic human rights violations occurring daily, asked what would be the long-term solution and what needed to be done in the short term to alleviate the suffering of the Palestinian people, in particular women and children.

17. **Mr. Falk** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) said that there were two issues of particular importance. First, in light of the current situation, the viability of the two-State solution must be questioned. It was irresponsible to ignore the cumulative impact of Israel's violations via the accelerated expansion of settlements and the attempts — largely unnoticed by the international community — to legitimize hundreds of illegal outposts, which would encroach significantly on what would have been the future Palestinian State. If the two-State solution was indeed viable, the question was how to proceed given Israel's defiance. To act as if nothing had changed would implicitly endorse the undermining of inalienable Palestinian rights, in particular the right to self-determination.

18. Second, the United Nations and civil society could bring external pressure to bear and alleviate the suffering of the Palestinian people by calling attention to the unique ordeal of an occupation that was an intolerable burden on the development of civilian population, particularly in Gaza, where the blockade had created a captive society. It was urgent to seek new and meaningful ways to address Palestinian suffering and Israel's defiance of international law. The credibility of the Organization would be at stake if it gave lip service to the concerns raised without taking concrete action.

19. **Mr. Beyani** (Special Rapporteur on the human rights of internally displaced persons), introducing his report to the General Assembly (A/67/289), said that there had been important advances in the normative framework regarding internally displaced persons

(IDPs) as well as the response to internal displacement by the international community. The Guiding Principles on Internal Displacement were increasingly being incorporated into national legislative frameworks, programmes and policies. Regional and sub-regional intergovernmental organizations had also acknowledged the Guiding Principles, notably the International Conference on the Great Lakes Region, which had been the first to adopt a binding legal framework incorporating the Principles in the 2006 Protocol on the Protection and Assistance to Internally Displaced Persons, and the African Union, which had adopted the Convention for the Protection and Assistance of Internally Displaced Persons in Africa, or the Kampala Convention, soon to enter into force.

20. Megatrends such as natural disasters and climate change were expected to amplify the extent and patterns of internal displacement in the future. Estimates showed that at the end of 2011, in addition to the 26.4 million persons internally displaced by armed conflict, violence or human rights violations, a further 15 million had been newly displaced that same year due to sudden onset natural hazards.

21. Rapid and often unplanned urbanization was also likely to affect the dynamics of internal displacement. People moving to large urban centres often settled in precarious, disaster-prone areas, with a high risk of mass evictions for safety or development reasons. At the same time, displaced persons might also look to urban centres to rebuild their lives and find jobs, thus putting additional pressure on such areas. As noted in his previous thematic reports (A/66/285 and A/HRC/19/54), the possible interaction of climate change with other trends such as rapid urbanization must be taken into consideration and the response to IDPs living outside of camps must be strengthened.

22. He had continued his engagement in inter-agency processes and maintained close cooperation with all relevant actors to mainstream the rights of IDPs. He had also undertaken training and capacity-building activities such as the one-week Annual Course on the Law of Internal Displacement, primarily for Government officials from displacement-affected countries. A new Course on the Law of Internal Displacement and Natural Disasters would begin in December 2012. He had also attended a number of key events promoting and raising awareness of the Kampala Convention and had advised and assisted a number of States in their efforts to develop or strengthen domestic internal displacement frameworks. In July 2012, he had participated in a national consultative workshop to develop a domestic policy on internal displacement in Afghanistan; and subsequent to his last country visit, the Kenyan Parliament had adopted the 2012 Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Bill, while the resettlement of internally displaced persons continued. Nigeria was also formulating national policies on protection and assistance to internally displaced persons. However, he emphasized that the development and implementation of national IDP frameworks would require sustained support, including from the international community. As part of his continued engagement with intergovernmental organizations, he had recently addressed the Human Dimension Committee of the Organization for Security and Co-operation in Europe (OSCE) and participated in a workshop on natural disasters and displacement; he would soon cooperate on a draft protection checklist currently being developed for OSCE field staff.

23. The situation of internally displaced women had been one of the chief priorities of his mandate. In that context, an expert workshop held recently in Geneva had reviewed the achievements in relation to women and displacement over the past 20 years and assessed future challenges and directions. The findings would be incorporated into his next thematic report to the Human Rights Council in June 2013. Since taking office, he had cooperated closely with the Committee on the Elimination of Discrimination against Women, including in the elaboration of a new general recommendation on women in conflict and post-conflict situations and a recent presentation on the situation of internally displaced women in Côte d'Ivoire.

24. Having conducted an official country visit to Côte d'Ivoire in July 2012, he commended the Government's efforts to re-establish law and order and ensure the largely voluntary return of IDPs. Although IDPs were no longer visible in camps, there was a strong need to address their continued human rights, assistance and protection needs as many still lacked durable solutions, opportunities and confidence in the security sector. In many instances, IDPs who had lost everyone and everything had returned home or resettled elsewhere in host communities that were, themselves, in dire situations.

25. That visit had coincided with the disturbing and reprehensible attack on the Nahibly IDP camp, which reflected the need for dialogue and reconciliation. He encouraged the international community to continue supporting human rights and peace-building activities, as well as Government reforms in such key sectors as justice and security. He further urged the Côte d'Ivoire Government to ratify the Kampala Convention and to put in place national legal and institutional frameworks, as well as mechanisms to promote the meaningful participation of displacement-affected communities in programmes and decisions.

26. Future missions would include visits to the Sudan in November 2012 and, in the course of 2013, possible visits to Georgia, Haiti and the Philippines. He also looked forward to engaging with the Governments of Colombia, Myanmar and Pakistan to follow up on requests to visit their countries.

27. **Ms. Loew** (Switzerland) said that the report rightly recalled that States bore the primary responsibility of protecting displaced persons; only when they worked with and heeded the recommendations of the Special Rapporteur could his mandate have a true impact on IDPs. Drawing on the example of the Kampala Convention, she asked what factors were essential for advancing the protection of IDPs.

28. Switzerland appreciated the focus on new challenges such as displacement as a result of natural disasters. Switzerland and Norway had recently launched the Nansen Initiative in an attempt to address the challenges of cross-border movements caused by natural disasters; she asked the Special Rapporteur whether he saw any possible links or synergies between his work and the Initiative.

29. **Mr. Guerts** (Observer for the European Union) said that the European Union was seriously concerned by the trends of protracted displacement and would appreciate the Special Rapporteur's views on immediate steps that the international community could take to resolve such situations.

30. In light of a 2003 study which had found that the United Nations approach to protecting the rights of internally displaced persons continued to be largely ad hoc, with insufficient political and financial support that undermined efforts in the field, he asked how he assessed the United Nations approach and whether the current political and financial support was sufficient. Furthermore, insofar as the primary responsibility for protection of and assistance to internally displaced persons rested with the State, he asked what major challenges had been encountered in cooperation with States.

31. Lastly, with regard to the report's conclusions, he asked what IDP-specific comprehensive framework solutions might entail.

32. **Mr. Rishchynski** (Canada) said that events of the past year had illustrated the vulnerability of local populations and the need for an appropriate and effective response from the international community. Canada was seriously concerned by the protection challenges faced by internally displaced persons, the frequent lack of safe and unhindered access by humanitarian workers to populations in need, particularly in such countries as the Sudan, Mali, Somalia, and Pakistan, as well as by the protection challenges faced by religious minorities. However, nowhere was the state of IDPs as grave as in the Syrian Arab Republic, where an estimated 1.2 million people had already been displaced by the conflict and more than 300,000 people had fled to neighbouring countries to escape the fighting. Thousands more were also expected to become displaced and with the security and humanitarian situations in the country deteriorating daily, society's most vulnerable was at increased risk.

33. Canada therefore continued to call on all parties to allow access for humanitarian actors without delay to provide life-saving assistance and to alleviate suffering. It further called on all parties to the conflict to fully respect their obligations, particularly with regard to the civilian population.

34. **Ms. Syed** (Norway) said that her country welcomed the focus on climate change and extreme weather as drivers of displacement and was eager to learn more of how the humanitarian perspective could be strengthened in facing its challenges and human consequences. Norway also appreciated the collaboration with the Special Rapporteur on the Nansen Initiative, and looked forward to exploring synergies. She asked him to elaborate further on his efforts to strengthen the focus on internally displaced women and girls.

35. **Ms. Ploder** (Austria) said that her country had always been an active supporter of the mandate on the human rights of IDPs, and it remained committed to promoting and protecting their rights. The Guiding

Principles on Internal Displacement had inspired regional policy and normative frameworks as well as national legislation for the protection of IDPs. However, she would like to know how the IDP mandate could further strengthen normative frameworks at the regional and national levels; she also sought guidance on where Member States, the United Nations and the international community should focus their efforts to prevent displacement and find durable solutions to protracted displacement.

36. **Mr. Mikayilli** (Azerbaijan) said that his country fully supported the IDP mandate, not least because it was itself affected by internal displacement as a result of ongoing foreign occupation. It therefore welcomed the efforts to develop an international normative framework on internal displacement and promote the Guiding Principles on Internal Displacement, as well as the recent adoption of the Kampala Convention. However, it urged the international community to step up its efforts to address situations of protracted displacement, including the forced displacement of Azerbaijani citizens from the country's occupied territories and the violations of both their rights and the principle of non-discrimination. His country had submitted a report on the legal rights of Azerbaijani IDPs.

37. **Ms. Alsaleh** (Syrian Arab Republic) said that her Government was sparing no effort to support and protect Syrian IDPs, and was cooperating with international organizations and national NGOs to meet their basic needs. Her delegation appreciated the concern expressed by the representative of Canada about the current situation, which had arisen mainly because of terrorist acts financed by some Arab powers and international entities. Government attempts to assist Syrian IDPs were severely hampered by the unilateral economic sanctions imposed against it; she would welcome the Special Rapporteur's views on their impact on IDPs.

38. **Mr. Beyani** (Special Rapporteur on the human rights of internally displaced persons) said that his mandate and the Nansen Initiative were complementary, since displacement was likely to be internal before it was external. He therefore looked forward to working with the Initiative, but emphasized that States had a primary duty to protect populations against the effects of climate change and natural disasters. The absence of an effective IDP protection mechanism was likely to lead to cross-border movements in the face of those phenomena.

39. Countries were increasingly asking for assistance in formulating national IDP policies and frameworks, which was a positive development, but the move to implementation was extremely important. Designating specific responsibility for IDPs at the national level was also important, but measures were needed to improve coordination between IDP protection mechanisms and disaster management and preparedness, which currently competed for resources. As a result, IDPs often fell between the cracks. New laws and policies should be adopted to integrate the two approaches.

40. At the regional level, he was working with regional human rights organizations on specific IDP frameworks such as the Kampala Convention, but it was important that the initiatives came from States and regions themselves. At the international level, the Guiding Principles provided the normative framework, but they must be supported by an equally robust institutional framework. The United Nations framework for responding to IDP issues remained weak, although the revitalization of the cluster system would provide more adequate protection at the international level. More resources for IDPs were needed to ensure that the gains made in recent years were not lost.

41. The principal underlying cause of protracted displacement was continuing armed conflict, which was best resolved through peace agreements, but such agreements must address the concerns of IDPs. Durable solutions were usually applied to the last phase of displacement, but efforts to find such solutions should be made every time there was a movement of persons.

42. The United Nations normative and institutional frameworks for IDPs needed to be strengthened, and adequate resources were required. The degree of cooperation with States had improved considerably, but sustainable access to displaced populations was critical, especially in situations of ongoing conflict. Granting access was a duty arising from international humanitarian law, and restricted access was a problem that must be addressed. The situation in the Syrian Arab Republic, with some 1.2 million IDPs, was a major concern, and the Syrian Government was urged to grant access as soon as possible. Lastly, he

welcomed the comments made by the representative of Azerbaijan; he would be visiting that country within the next two years.

43. **Mr. Decaux** (Chair, Committee on Enforced Disappearances), presenting the first annual report of the Committee on Enforced Disappearances (A/67/56), said that the first two sessions of the Committee had been short but fruitful.

44. The Committee had three priorities. The first was to encourage full universal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, which had been ratified or signed by almost half of all Member States. The Committee was willing to assist Member States with any technical problems preventing ratification. The Convention provided for two optional procedures: individual communications and State communications, and those guarantees should extend to all States parties. Since the report had been prepared, Austria and Germany had submitted optional declarations, but less than half of all States parties had made such declarations. The Convention was the outcome of efforts spanning 30 years to arrive at an ambitious treaty that provided for a broad range of mechanisms for prevention, cooperation and urgent action. Universal ratification was necessary because enforced disappearances affected the entire international community and could occur in any State.

45. The Committee's second priority was to acquire the technical tools required to work effectively, especially for reporting. Under article 29 of the Convention, States should report on measures taken to comply with their commitments within two years of its entry into force. In 2013, the Committee would consider some 20 reports from the very first States parties. An innovative procedure had been set up to avoid backlogs in their consideration, as well as to address urgent actions and individual communications.

46. The Committee's third priority was to cooperate with other specialized agencies and bodies. Obviously it worked with the Working Group on Enforced or Involuntary Disappearances, which had made an invaluable contribution to the fight against impunity and had criminalized enforced disappearance through its general observations. The work of the two bodies was complementary: the Committee had jurisdiction only in relation to States parties once they had ratified the Convention, and had extensive legal obligations that were both substantive and procedural, whereas the Working Group had a much broader mandate which applied to all States. The Committee had also had preliminary contact with other international bodies, including the chairs of the treaty bodies.

47. The Committee had been given a challenging mandate and would play a key role in prevention, monitoring, urgent action and implementation. It had been entrusted with the task of interpreting the Convention in a manner that developed its potential while guaranteeing coherence and legal security for both States and victims.

48. **Mr. Geurts** (Observer for the European Union) said that the entry into force of the Convention had marked an important step in the fight against impunity and the protection of human rights, and the Committee would play an essential role in monitoring implementation of the Convention and promoting universal ratification. The European Union welcomed the Committee's collaboration with the Working Group on Enforced or Involuntary Disappearances and asked about future areas of collaboration, as well as action that could be taken to accelerate universalization of the Convention.

49. **Mr. Decaux** (Chair, Committee on Enforced Disappearances) said that the Committee and the Working Group had different legal frameworks and compositions, and that both bodies would be needed for a long time. As a result, the focus should be on ensuring complementarity and effectiveness. The two bodies must avoid gaps in the protection they offered, as well as competition or overlap, and mutual support should be provided with a view to maximizing efficiency and synergies. A higher profile was needed for both bodies, and awareness-raising documents should show a clear link between their respective roles and responsibilities. The Secretariat could assist in that regard.

50. In terms of methodologies, the two bodies should engage in consultations in order to keep abreast of initiatives, work plans and planned visits. Given that there was no hierarchy, they must find ways to bolster each other's work. It was primarily the victims who decided which body to approach — the Working Group or the Committee — using the emergency appeal mechanism, and there were strict procedural rules for considering a complaint. Both the Committee and the Working Group had competencies for visits, but the

Committee's visits were carried out in response to a specific concern. The two bodies should collaborate closely to coordinate visits and distribute their different roles effectively.

51. Of the two instruments, the Declaration on the Protection of All Persons from Enforced Disappearance and the International Convention for the Protection of All Persons from Enforced Disappearance, the Committee was the steward of the Convention. However, it needed to gain a greater awareness of the situation by reading the first round of State reports before drawing up its general observations.

52. Awareness-raising involved all stakeholders, and NGOs had a major role to play. With United Nations assistance, activities could be bolstered by holding regional seminars, and the Committee was open to suggestions in that regard. The Committee could help States to ratify and implement the Convention, which was a complex instrument that did not lend itself to model clauses or standard laws, although the penal element of the Convention could be developed through variations of clauses, which the Committee could draw up in collaboration with the United Nations and the Working Group.

53. **Ms. Gandini** (Argentina) said that her country welcomed the establishment of the Committee's rules of procedure and guidelines for the submission of reports and adoption of urgent measures and communications. The Committee was now in a position to advance rapidly in its substantive monitoring work by helping States and victims through effective implementation of the Convention.

54. Although the Committee and the Working Group had different tasks and mandates, there was space for complementarity and joint work, and Argentina therefore welcomed the agreement to hold a joint annual meeting and promote coordination on substantive and procedural matters.

55. The Convention was the first universally binding instrument to define enforced disappearance as a crime against humanity and reaffirm the victim's right to redress, justice and the truth. It had filled a gap in international law, and Member States should make every effort to achieve broad ratification and implementation. Enforced disappearance, secret imprisonment and extrajudicial execution still occurred all over the world, and those responsible must be punished. Argentina welcomed the Committee's various activities designed to disseminate the Convention and promote universalization, and urged it to continue with those efforts.

56. **Mr. Decaux** (Chair, Committee on Enforced Disappearances) said that universal ratification of the Convention was extremely important, and States parties should also be punctual in submitting reports in order to set a good example.

57. **Mr. de Frouville** (Chair, Working Group on Enforced or Involuntary Disappearances) said that the Working Group had been established in 1980 in response to disappearances of people, mainly in Latin America, and had served as the channel of humanitarian communication between Governments and families. During its first 10 years, it had received thousands of new cases from around the world, and had exposed the fact that disappearances were used to terrorise people in times of crisis. It had paved the way for the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance by the General Assembly.

58. The Working Group had fully supported the preparation of a new Convention and an independent Committee to help it in its work. To date, it had referred 53,778 individual cases to States around the world and cleared up 448 cases. It still had 42,000 cases before it, all of which had occurred since 1945, and clearing them required State cooperation. In that context, the additional human resources provided to the Working Group in 2012 were welcome, since the cumulative impact of a lack of staff had led to a backlog, and it therefore hoped that those resources would continue to be made available.

59. The Working Group visited countries every year to investigate cases and study legislation in light of the Declaration. In 2012, it had travelled to Chile and Pakistan, and had welcomed the cooperation received by those countries. It had also worked closely with other bodies and followed legal developments in other organs. Notably, it had consulted with the International Committee of the Red Cross, which dealt with the general issue of missing persons, regardless of why they were missing, whereas the Working Group dealt with enforced or involuntary disappearances, which was a crime.

60. In the future, it would work with the Committee on Enforced Disappearances; the Chairs were in regular contact to discuss matters of common concern.

The Working Group appreciated the efforts of victims associations, NGOs, lawyers and others working to find out what had happened to disappeared persons. Threats and reprisals continued, and extended to victims' families and the human rights defenders working on their cases. States should punish the perpetrators and protect those working on enforced disappearances.

61. Unfortunately, enforced disappearances continued in conflict situations, and the Working Group was concerned about short-term disappearances of victims held in detention without legal protection. In some cases, they were released after being tortured or never having been brought before a judge. Lastly, the Working Group would shortly hold an event sponsored by the International Organization of la Francophonie to commemorate the twentieth anniversary of the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance.

62. **Mr. Ruidiaz** (Chile) said that his country had welcomed the recent visit by the Working Group and extended an open invitation to the Human Rights Council and its protection mechanisms. Chile had provided more than $1.5 billion to victims of enforced disappearances and erected memorials in an effort to ensure continued public awareness of those grave human rights violations, and it looked forward to receiving the observations and recommendations of the Working Group in its forthcoming final report. In the meantime, his delegation asked whether a useful approach might be for the Committee to focus its energies on the States parties to the Convention and for the Working Group to focus on those States that had not ratified it.

63. **Mr. Geurts** (Observer for the European Union) said that the activities of the Working Group were indispensable. The European Union hoped that the waiver of the word limit on the reports of the Working Group would be reintroduced from 2013. The European Union would like to know whether the Governments of the Syrian Arab Republic and Iran had agreed to a country visit, what steps States could take to increase reporting of cases of enforced disappearance and how civil society could be involved in that process.

64. **Mr. de Frouville** (Chair, Working Group on Enforced or Involuntary Disappearances) said that visits were a central part of the Working Group's mandate and generally took place after close cooperation and dialogue on cases and on implementation of the Declaration over a number of years. They were also a point of departure for a new kind of cooperation, in which Governments and society were galvanized to take further action. Requests for visits to Iran and the Syrian Arab Republic had been made. On Iran, an agreement in principle had been reached several years earlier, but a date was still to be set.

65. Underreporting remained a major problem, and had a marked regional dimension. For example, in Africa, very few cases had been reported, but the Working Group had heard that there were enforced disappearances on the continent. Three measures could be taken to solve that issue. First, civil society and States should carry out awareness-raising activities to ensure that victims knew of the Working Group's mandate and procedures. Second, the phenomenon needed to be more clearly identified in certain countries. There was a perception that enforced disappearances occurred mainly in Latin America, when in fact they occurred worldwide. Lastly, the international community, NGOs and the United Nations needed to adapt their working methods and enhance their capacity to react so that protection could be provided to families that had been subject to forced disappearances.

The meeting rose at 12.15 p.m.